

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :
Respondent, : Case No. 95-Cr-369
v. :
THOMAS DANIELS, :
Pro se-Defendant. :

FILED

DEC 31 2008

MICHAEL E. KUNZ, Clerk
By Dep. Clerk

ORDER

Motion Denied.

Michael M. Baylson, J.

Motion For Reconsideration Of This Court's September
19, 2008 Order Denying Defendant's 18 U.S.C. § 3582(c)
Motions Along With Its Supplements Of Procedural Nature.

To: The Honorable U.S. District Judge Presiding Herein:

I.

Introduction

Pro se-Defendant, Thomas Daniels in the above captioned-matter, hereinafter, "Defendant Daniels," respectfully moves this Court to reconsider its September 19, 2008 Order, which continues to work a manifest injustice recognized by the Supreme Court in United States v. Booker, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed2d 621 (2005); Kimrough v. United States, ___ U.S. ___, 128 S.Ct. 586, ___ L.Ed2d ___ (2007; and, Gall v. United States, ___ U.S. ___, 128 S.Ct. 586, ___ L.Ed2d ___ (2007).

II. Assigned Errors To The September 19, 2008 Order

Defendant Daniels submits to this Court that his sentence was imposed (1) in violation of the law; (2) by a determinative disparity between crack and cocaine powder rendered both by Congress and the United States Sentencing Commission ("Commission");

cc: ZHlav, aUSA (mail)
Daniels (mail)